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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,811	06/11/2007	Kristin Hoyne Gomes	2348.0130001	3994

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STERNE, KESSLER, GOLDSTEIN & FOX, P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005-3934

EXAMINER

CHENCINSKI, SIEGFRIED E

ART UNIT	PAPER NUMBER
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3695

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08/31/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/588,811	Applicant(s) GOMES ET AL.	
	Examiner SIEGFRIED E. CHENCINSKI	Art Unit 3695	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 28, 2010 has been entered.

Status

2. Claims 1-25 are pending.

Claims 1-4, 6, 16, 24 and 25 have been amended.

The rejections under 35 USC 101 have been withdrawn based on Applicant's amendments to the independent claims.

Applicant Admitted Prior Art

3. **MPEP 2104 C 2nd parag. - AAPA - Applic. Admission due to lack of or inadequate Traversal.**

If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate.

MPEP 2141, IV - TRAVERSAL

IV. APPLICANT's REPLY

Once Office personnel have established the *Graham* factual findings and concluded that the claimed invention would have been obvious, **the burden then shifts to the applicant to (A) show that the Office erred in these findings or (B) provide other evidence to show that the claimed subject matter would have been nonobvious.** 37 CFR 1.111(b) requires applicant to distinctly and specifically point out the supposed errors in the Office's action and reply to every ground of objection and rejection in the

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Office action. The reply must present arguments pointing out the specific distinction believed to render the claims patentable over any applied references.

If an applicant disagrees with any factual findings by the Office, an effective traverse of a rejection based wholly or partially on such findings must include a reasoned statement explaining why the applicant believes the Office has erred substantively as to the factual findings. A mere statement or argument that the Office has not established a *prima facie* case of obviousness or that the Office's reliance on common knowledge is unsupported by documentary evidence will not be considered substantively adequate to rebut the rejection or an effective traverse of the rejection under 37 CFR 1.111(b). Office personnel addressing this situation may repeat the rejection made in the prior Office action and make the next Office action final. See MPEP § 706.07(a).

If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate.

In the instant case, the Official Notice in the Office Action mailed June 25, 2009, not properly traversed by Applicant, has become Applicant Admitted Art (AAPA) as follows:

Consequently, the following limitations are now AAPA;

- a transaction involving a purchase of a travel ticket, the transaction variables including a passenger name on the travel ticket, a travel date, a routing description of the travel ticket, and an electronic ticket indicator.

The original dependent claims 2-15 and 17-23, as follows:

2. approving the transaction when the risk factor is within a range of acceptable values.
3. retrieving a purchasing history of the account holder; and approving the transaction based on the risk factor and the purchasing history.
4. retrieving a status of the financial account; and approving the transaction based on the risk factor and the status.
5. declining the transaction when the risk factor is within a range of unacceptable values.

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6. transmitting a request to contact a financial institution maintaining the financial account when the risk factor is within a range of unacceptable values.
7. retrieving a purchasing history of the account holder; and declining the transaction based on the purchasing history.
8. retrieving a status of the financial account; and declining the transaction based on the status.
9. fraud-risk model comprising a combination of risk values assigned to the transaction variables, the risk values determined from historical data of prior transactions involving a plurality of account holders.
10. the fraud-risk model comprising a combination of risk values determined for various comparisons of the transaction variables, the risk values determined from historical data of prior transactions involving a plurality of account holders.
11. wherein a risk value of a comparison of a name of the account holder and the passenger name indicates a higher risk when the name of the account holder does not match the passenger name, and indicates a lower risk when the name of the account holder matches the passenger name.
12. wherein the transaction variables are received in a standard format so that a processing time of the transaction is not greater than a standard processing time for transactions that do not involve the purchase of travel tickets.
13. the financial account comprising one of: a credit card account, a charge card account and a debit account.
14. transaction variables further comprising: an origin city for the travel ticket, a destination city, a class of service of the travel ticket, and a number of passengers traveling.
15. transaction variables comprising: a name of the account holder, a reservation code of the ticket, and a carrier code.
17. the transaction variables are processed by the transaction processor through a fraud-risk model comprising a combination of risk values assigned to the transaction variables, the risk values determined from historical data of prior transactions involving a plurality of account holders.

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18. wherein the transaction variables are processed by the transaction processor through a fraud-risk model comprising a combination of risk values determined for various comparisons of the transaction variables, the risk values determined from historical data of prior transactions involving a plurality of account holders.

19. wherein a risk value of a comparison of the name of the account holder and the passenger name indicates a higher risk when a name of the account holder does not match the passenger name, and indicates a lower risk when the name of the account holder matches the passenger name.

20. wherein the transaction variables are transmitted in a standard format so that a processing time of the transaction is not greater than a standard processing time for transactions that do not involve the purchase of airline tickets.

21. wherein the merchant comprises at least one of: an online travel vendor, an airline carrier and a travel agent.

22. the transaction variables further comprising: an origin city for the travel ticket, a destination city, a class of service of the travel ticket, and a number of passengers traveling.

23. the transaction variables comprising: a name of the account holder, a reservation code of the ticket, and a carrier code.

Amendments

4. Applicant is advised to refer to the disclosure for support in making amendments in response to this office action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John.Deer & Co.*, 383 U.S. 1,148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Basch et al. (US Patent 6,658,393 B1, hereafter Basch) in view of Lawrence (US PreGrant Publication 2003/0225687 A1) and AAPA

Re. Claims 1, 2-4 & 6, Basch discloses a method for predicting financial risk is disclosed. The method includes receiving data inputs on a first computing system. The data inputs includes historical data associated with at least a first account issued to an account

owner, and the historical data includes historical transaction information for the first account. The method also includes generating a predictive model based on at least the historical data, receiving a current transaction authorization request associated with the first account on the first computing system, and generating a risk score by applying the predictive model to data associated with the current transaction authorization request. The current transaction authorization request is denied when the risk score indicates an unacceptable level of risk. In one embodiment, the data inputs further include performance data that is at least partially indicative of past fraudulent activities associated with the first account and at least one other account held by the account owner. (Abstract).

Basch discloses a method for authorizing a financial transaction between a merchant and an account holder of a financial account, comprising:

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- receiving, in an automated programmed electronic computer system for authorizing a transaction between a merchant and an account holder of a financial account from the merchant for use in real-time authorization, transaction variables for a transaction using the financial account, (Col. 3, ll. 53-64); and
- processing, by the computer system, the transaction variables through a fraud risk model to determine a risk factor for the transaction (Col. 11, ll. 47-65).; and
- transmitting, by the computer system, an authorization decision to the merchant to approve or refer the transaction for further identification based upon the output of the fraud risk model (Col. 26, ll. 21-26 = claim 39).

Bausch does not explicitly disclose a transaction involving a purchase of a travel ticket, the transaction variables including a passenger name on the travel ticket, a travel date, a routing description of the travel ticket, and an electronic ticket indicator. However, AAPA discloses a transaction involving a purchase of a travel ticket, the transaction variables including a passenger name on the travel ticket, a travel date, a routing description of the travel ticket, and an electronic ticket indicator was well known at the time of Applicant's invention since thousands of such transactions were being made daily through travel agencies and airlines at that time. Further, Lawrence discloses a travel related risk management clearinghouse associated with travel arrangements ([0007], [0008], and 0011]-ll. 1-3. Therefore, the ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have combined the disclosures of Basch, Lawrence, AAPA and the practitioner's own knowledge in order to produce a method for authorizing a financial transaction between a merchant and an account holder of a financial account, motivated by a desire to provide methods and systems which will utilize information to assist with risk management and due diligence related to travel arrangements (Lawrence, page 1, [0006]).

Re. Claim 2, Basch discloses approving the transaction in response to the risk factor is being within a range of acceptable values (Col. 8, ll. 13-19; Col. 9, ll. 42-46; Col. 8, l. 13 – Col. 9, l. 58 – authorization in Col. 9, l. 45 means approval when the risk factor is within acceptable limits in the risk model(s)).

Re. Claim 3, Basch discloses retrieving a purchasing history of the account holder; and approving the transaction based on the output of the fraud risk model and the purchasing history (Purchasing history – Col. 8, l. 15; approval process - Col. 8, ll. 13-19; Col. 9, ll. 42-46; Col. 8, l. 13 – Col. 9, l. 58 – authorization in Col. 9, l. 45 means approval when the risk factor is within acceptable limits in the risk model(s)).

Re. Claim 4, Basch discloses retrieving a status of the financial account; and approving the transaction based on the on the output of the fraud risk model and the status (Account Status – Col. 8, l. 13-19; fraud risk model – Col. 8, ll. 26, 61; approval process - Col. 8, ll. 13-19; Col. 9, ll. 42-46; Col. 8, l. 13 – Col. 9, l. 58 – authorization in Col. 9, l. 45 means approval when the risk factor is within acceptable limits in the risk model(s)).

Re. Claim 6, Basch discloses transmitting a request to contact a financial institution maintaining the financial account in response to the risk factor being within a range of unacceptable values (Col. 26, ll. 16-21)

Re. Claim 16, the disclosures of Basch, Lawrence and AAPA are stated in the rejection of claim1 above. None of Basch, Lawrence or AAPA above explicitly disclose transmitting, to a transaction processor, transaction variables for the transaction, the transaction variables including a passenger name on the airline ticket, a travel date, a routing type of the airline ticket, and an electronic ticket indicator; and receiving, from the transaction processor, one of an approval of the transaction, a declination of the transaction and a request to contact a financial institution maintaining the financial account, based on the transaction variables. However, the ordinary practitioner of the art would have seen it as obvious that these transaction variables are necessary details in the transaction of claim 1. Therefore, the ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have combined the disclosures of Basch, Lawrence, AAPA and the practitioner's own knowledge in order to produce a method for authorizing a financial transaction between a merchant and an account holder of a financial account, motivated by a desire to provide methods and systems which will utilize information to assist with risk management and due diligence related to travel arrangements (Lawrence, page 1, [0006]).

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Re. Claim 24, the disclosures of Basch, Lawrence and AAPA are stated in the rejection of claims 1 and 16 above. None of Basch, Lawrence or AAPA above explicitly disclose determining, based on historical data, a risk value for transaction variables of transactions involving purchases of airline tickets, the transaction variables including at least one of: an account holder name, a reservation code, a passenger name, an origin city, a destination city, a travel date, a routing description, a class of service, an electronic ticket indicator, a number of passengers traveling and a carrier code; combining the risk values to generate a fraud-risk model that determines risk factors for transactions involving purchases of airline ticket; receiving a request from a merchant to authorize a transaction involving a purchase 'of a ticket by an account holder, the request including transaction variables corresponding to the account holder and the ticket; determining a risk factor for the transaction by inputting the transaction variables corresponding to the account holder and the ticket to the fraud-risk model; and generating an authorization decision for the request based on the risk factor for the transaction. However, the ordinary practitioner of the art would have seen it as obvious that these transaction variables are necessary details in the transaction of claim 1. Therefore, the ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have combined the disclosures of Basch, Lawrence, AAPA and the practitioner's own knowledge in order to produce a method for authorizing a financial transaction between a merchant and an account holder of a financial account, motivated by a desire to provide methods and systems which will utilize information to assist with risk management and due diligence related to travel arrangements (Lawrence, page 1, [0006]).

Re. Claim 25, the disclosures of Basch, Lawrence and AAPA are stated in the rejection of claims 1, 16 and 24 above. None of Basch, Lawrence or AAPA above explicitly disclose receiving, from the merchant for use in real-time authorization, transaction variables for a transaction involving a purchase of a travel ticket using the financial account, the transaction variables including at least one of: a passenger name on the travel ticket, a travel date, a routing description of the travel ticket, and an electronic ticket indicator; and processing the transaction variables through a fraud-risk

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model to determine a risk factor for the transaction. However, the ordinary practitioner of the art would have seen it as obvious that these transaction variables are necessary details in the transaction of claim 1. Therefore, the ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have combined the disclosures of Basch, Lawrence, AAPA and the practitioner's own knowledge in order to produce a method for authorizing a financial transaction between a merchant and an account holder of a financial account, motivated by a desire to provide methods and systems which will utilize information to assist with risk management and due diligence related to travel arrangements (Lawrence, page 1, [0006]).

Re. dependent claims 5, 7-15 and 17-23, none of Basch, Lawrence or AAPA above explicitly disclose limitations of claims 2-15 and 17-23. However, AAPA discloses the limitations of claims 5, 7-15 and 17-23.

Therefore, the ordinary practitioner of the art at the time of Applicant's invention would have seen it as obvious to have combined the disclosures of Basch, Lawrence, AAPA and the practitioner's own knowledge in order to produce a method for authorizing a financial transaction between a merchant and an account holder of a financial account, motivated by a desire to provide methods and systems which will utilize information to assist with risk management and due diligence related to travel arrangements (Lawrence, page 1, [0006]).

Response to Arguments

6. Applicant's arguments filed April 28, 2010 regarding claims 1-25 have been fully considered but they are not persuasive.

ARGUMENT A: The claims now meet statutory requirements of 35 USC 101 (p. 11, l. 3 – p. 12, end).

RESPONSE:

The rejection of claims 1-25 under 35 USC 10 has been withdrawn based on Applicant's amendments of claims 1, 16, 24 and 25.

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ARGUMENT B: The Use of Official Notice in the first office action was improper” (p. 7, l. 14 – p. , l. 15, and p. 9, ll. 9-15).

RESPONSE:

Applicant is referred to the response which is on the record from the office action mailed January 6, 2010.

ARGUMENT C: The examiner has improperly combined the prior art references and the ordinary practitioner's own knowledge and thus failed to make a proper *prima facie* case of obviousness in the rejections under 35 USC 103 (a) (p. 8, l. 16 - p. 9, l. 25).

RESPONSE:

Applicant is referred to the response which is on the record from the office action mailed January 6, 2010.

ARGUMENT D: Applicant asserts that the amendments to the claims have made the claims allowable (p. 9, l. 26 – p. 11, l. 17).

RESPONSE:

Applicant is referred to the art rejections of claims 1-25 above.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Siegfried Chencinski whose telephone number is 571-272-6792. The Examiner can normally be reached Monday through Friday, 9am to 6pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Charles Kyle, can be reached on 571-272-6746.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only.

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For more information about the PAIR system, see
<http://portal.uspto.gov/external/portal/pair>.

Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). The following is a LINK to PRIVATE PAIR - <https://portal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks Washington D.C. 20231

or faxed to:

(571)273-8300 [Official communications; including After Final communications
labeled "Box AF"]

or

(571) 273-6792 [Informal/Draft communications, labeled "PROPOSED" or
"DRAFT"]

Hand delivered responses should be brought to the address found on the above
USPTO web site in Alexandria, VA.

SEC

Art Unit 3695

August 28, 2010

/Charles R. Kyle/

Supervisory Patent Examiner, Art Unit 3695